



Santa Ana Regional Water Quality Control Board

July 30, 2024

Kellogg Garden Products
8605 East Schaeffer Avenue
Ontario, California 91761

CERTIFIED MAIL
RETURN RECEIPT REQUIRED
7022 0410 0002 9753 7016

Jose Lopez
JLopez@kelloggarden.com

NOTICE OF NON-COMPLIANCE: FAILURE TO COMPLY WITH THE GENERAL PERMIT FOR STORM WATER DISCHARGERS ASSOCIATED WITH INDUSTRIAL ACTIVITIES (ORDER NO. 2014-0057-DWQ, NPDES NO. CAS000001) (GENERAL PERMIT), WDID 8 361020298

Dear Jose Lopez,

Your facility located at 8605 East Schaeffer Avenue, in the city of Ontario, is regulated under the General Permit and is identified by WDID 8 361020298. Section XVI.A of the General Permit requires you to submit an annual report by July 15th of each year. According to our records, we have not received your 2023-2024 annual report.

You are currently in violation of the General Permit, the California Water Code, and the federal Clean Water Act for failure to submit a complete 2023-2024 annual report. You must submit a complete 2023-2024 annual report via SMARTS no later than **August 30, 2024**. Help guides related to SMARTS are available at https://www.waterboards.ca.gov/water_issues/programs/stormwater/smarts.

Failure to submit the requested information may result in enforcement action, including civil monetary penalties of up to \$10,000 for each day of violation. Please note that Section 13399.33 of the California Water Code stipulates a mandatory minimum penalty of \$1,000 to those permittees that do not submit their annual report after notification.

If you need assistance in completing the annual report, please contact the SMARTS Help Desk at Stormwater@waterboards.ca.gov. If you have any questions specific to this facility, please contact Katie Barbour via email at Katie.Barbour@waterboards.ca.gov or via phone at (951) 782-3292.

Sincerely,

Michelle R. Beckwith, Supervisor
Senior Environmental Scientist
General Stormwater Unit

KRISTINE MURRAY, CHAIR | JAYNE JOY, EXECUTIVE OFFICER

7022 0410 0002 9753 7016

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 Street and Apt. 8605 East Schaeffer Avenue
 City, State, ZIP Ontario, CA 91761

PS Form 380

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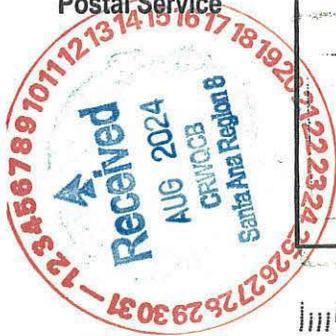


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CA REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION
3737 MAIN STREET, SUITE 500
RIVERSIDE, CA 92501-3348

8 361020298 - KB

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Kellogg Garden Products
8605 East Schaeffer Avenue
Ontario, CA 91761



9590 9402 8371 3156 0897 44

2. Article Number (Transfer from service label)

7022 0410 0002 9753 7016

COMPLETE THIS SECTION ON DELIVERY

- A. Signature
 X *Cynthia L.* Agent Addressee
- B. Received by (Printed Name) _____
- C. Date of Delivery
 7/31/24
- D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below: _____

- 3. Service Type**
- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
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Domestic Return Receipt



Santa Ana Regional Water Quality Control Board

August 30, 2024

Kellogg Garden Products
8605 East Schaeffer Avenue
Ontario, California 91761

CERTIFIED MAIL
RETURN RECEIPT REQUIRED
9589 0710 5270 0558 5713 32

Jose Lopez
Jlopez@kelloggarden.com

NOTICE OF NON-COMPLIANCE: FAILURE TO COMPLY WITH THE GENERAL PERMIT FOR STORM WATER DISCHARGERS ASSOCIATED WITH INDUSTRIAL ACTIVITIES (ORDER NO. 2014-0057-DWQ, NPDES NO. CAS000001) (GENERAL PERMIT), WDID 8 36I020298 - SECOND NOTICE

Dear Jose Lopez,

Your facility located at 8605 East Schaeffer Avenue, in the city of Ontario, is regulated under the General Permit and is identified by WDID 8 36I020298. Section XVI.A of the General Permit requires you to submit an annual report by July 15th of each year. According to our records, we have not received your 2023-2024 annual report.

You are currently in violation of the General Permit, the California Water Code, and the federal Clean Water Act for failure to submit a complete 2023-2024 annual report. You must submit a complete 2023-2024 annual report via the Stormwater Multiple Application and Report Tracking System (SMARTS) no later than **September 27, 2024**.

This is your second and final notice. The first notice was sent July 30, 2024 and to date, we have not received a response to that notice. Failure to submit the requested information may result in enforcement action, including civil monetary penalties of up to \$10,000 for each day of violation. Please note that Section 13399.33 of the California Water Code stipulates a mandatory minimum penalty of \$1,000 to those permittees that do not submit their annual report after notification.

If you need assistance in completing the annual report, please contact the SMARTS Help Desk at Stormwater@waterboards.ca.gov. If you have any questions specific to this facility, please contact Katie Barbour via email at Katie.Barbour@waterboards.ca.gov or via phone at (951) 782-3292.

Sincerely,

Michelle R. Beckwith, Supervisor
Senior Environmental Scientist
General Stormwater Unit

KRISTINE MURRAY, CHAIR | JAYNE JOY, EXECUTIVE OFFICER

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<input type="checkbox"/> Certified Mail Restricted Delivery	\$ _____
<input type="checkbox"/> Adult Signature Required	\$ _____
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____
Postage	
\$	
Total Postage and Fees	
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Kellogg Garden Products
8605 East Schaeffer Avenue
Ontario, California 91761

PS Form 3800, January 2023

MRB

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Product Information





Santa Ana Regional Water Quality Control Board

ACCEPTANCE OF CONDITIONAL RESOLUTION AND WAIVER OF RIGHT TO A BOARD HEARING: (Proposed) ORDER

Kellogg Garden Pro
Settlement Offer No. R8-2024-0069
WDID No. 8 361020298

By signing below and returning this Acceptance of Conditional Resolution and Waiver of Right to a Board Hearing (Acceptance and Waiver) to the Santa Ana Regional Water Quality Control Board (Santa Ana Water Board), Kellogg Garden Pro (Discharger) hereby accepts the "Offer to Participate in Expedited Payment Program" and waives the right to a hearing before the Santa Ana Water Board to dispute the violations described in the Notices of Non-Compliance (NNCs) which are attached and incorporated herein by reference.

The Discharger agrees that the Conditional Settlement Offer shall serve as a complaint pursuant to Article 2.5 of the California Water Code and that no separate complaint is required for the Santa Ana Water Board to assert jurisdiction over the alleged violations through its Chief Prosecutor. The Discharger agrees to pay the administrative civil liability authorized by California Water Code sections 13399.31 and 13399.33, in the sum of \$1,435 (Expedited Payment Amount) which shall be deemed payment in full of any civil liability pursuant to California Water Code section 13399.33 that otherwise might be assessed for the violations described in the NNCs.

The Discharger understands that this Acceptance and Waiver waives its right to contest the allegations in the NNCs and the amount of civil liability for such violations. The Discharger understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the NNCs.

Upon Execution by the Discharger, the completed Acceptance and Waiver should be mailed to the following:

Michelle Beckwith, General Stormwater Unit
Conditional Settlement Offer
Santa Ana Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, CA 92501

The Discharger understands that federal regulations set forth at title 40, Code of Federal Regulations, section 123.27(d)(2)(iii) require the Santa Ana Water Board to publish notice of and provide at least (30) days for public comment on any proposed resolution of an enforcement action addressing NPDES permit violations. Accordingly, this Acceptance and Waiver, prior to execution by the Santa Ana Water Board Executive Officer, will be published as required by law for public comment.

If no comments are received within the notice period that causes the Santa Ana Water Board Executive Officer to question the Expedited Payment Amount, the Santa Ana Water Board Executive Officer will execute the Acceptance and Waiver.

The Discharger understands that if significant comments are received in opposition to the Expedited Payment Amount, the Conditional Settlement Offer on behalf of the Santa Ana Water Board to resolve the violations set forth in the NNCs may be withdrawn. In that circumstance, the Discharger will be advised of that withdrawal, and an administrative civil liability complaint may be issued, and the matter may be set for a hearing before the Santa Ana Water Board. In the event that this matter proceeds to hearing, the Discharger understands that this Acceptance and Waiver executed by the Discharger will be treated as a settlement communication and will not be used as evidence in that hearing.

The Discharger further understands that once this Acceptance and Waiver is executed by the Santa Ana Water Board Executive Officer, the full payment required by the deadline set forth below is a condition of this Acceptance and Waiver. In accordance with California Water Code section 13399.37(a), funds collected for violations pursuant to sections 13399.33(c) and 13399.33(d) shall be deposited in the Waste Discharge Permit Fund. Accordingly, the \$1,435 liability including staff costs shall be paid by a cashiers or certified check made out to the "State Water Resources Control Board" referencing this Order number for deposit into the Waste Discharge Permit Fund. The payment must be submitted to the State Water Resources Control Board no later than thirty (30) calendar days after the date the Acceptance and Waiver is executed by the Santa Ana Water Board Executive Officer.

Please mail check to:

State Water Resources Control Board
Re: Order No. R8-2024-0069
Division of Administrative Services, Accounting Branch
1001 I Street, 18th Floor
Sacramento, CA 95812-1888

I hereby affirm that I am duly authorized to act on behalf of and to bind the Discharger in the making and giving of this Acceptance and Waiver.

Kellogg Garden Pro

By:

	11/12/24
(Signed Name)	(Date)
ORLANDO NARANJO	PLANT MANAGER
(Printed or Typed Name)	(Title)

IT IS SO ORDERED PURSUANT TO CALIFORNIA WATER CODE SECTION 13323 AND GOVERNMENT CODE SECTION 11415.60.

By:

Jayne E. Joy, P.E.
Executive Officer

